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OCT - 1. 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICK J. LEAVITT,

Defendant.

2:17-CR-00391-APG-VCF

Preliminary Order of Forfeiture

This Court finds Frederick J. Leavitt pled guilty to Counts One and Two of a Two-Count Superseding Criminal Information charging him in Count One with honest services fraud conspiracy in violation of 18 U.S.C. §§ 1343, 1346, and 1349. Superseding Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Frederick J. Leavitt agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information. Superseding Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information and the offense to which Frederick J. Leavitt pled guilty.

The following property and money judgment are any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or 18

1 U.S.C. § 1349, conspiracy to commit such offense, and are subject to forfeiture pursuant to
2 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c):

3 1. \$87,500; and

4 2. \$62,225 in lieu of 2016 Grey Mercedes Benz CLS 63 AMG S-Model,
5 Nevada License Plate NV5536, VIN WDDLJ7GB5GA159973,
6 Registered To Fredrick Joseph Leavitt Or Tracey Lynn Leavitt

7 (all of which constitutes property)

8 and an in personam criminal forfeiture money judgment of \$201,250, not to be held
9 jointly and severally liable with any codefendants, the collected money judgment amount
10 between the codefendants is not to exceed \$875,000, and that the property will be applied
11 toward the payment of the money judgment.

12 This Court finds that the United States of America may amend this order at any time
13 to add subsequently located property or substitute property to the forfeiture order pursuant
14 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

15 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
16 *United States*, ___ U.S. ___, 137 S. Ct. 1626 (2017).

17 This Court finds the United States of America is now entitled to, and should, reduce
18 the aforementioned property to the possession of the United States of America.

19 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
20 DECREED that the United States of America should seize the aforementioned property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
22 States of America recover from Frederick J. Leavitt an in personam criminal forfeiture
23 money judgment of \$201,250.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
25 rights, ownership rights, and all rights, titles, and interests of Frederick J. Leavitt in the
26 aforementioned property are forfeited and are vested in the United States of America and
27 shall be safely held by the United States of America until further order of the Court.

28 / / /

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
2 of America shall publish for at least thirty (30) consecutive days on the official internet
3 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
4 describe the forfeited property, state the time under the applicable statute when a petition
5 contesting the forfeiture must be filed, and state the name and contact information for the
6 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
7 and 21 U.S.C. § 853(n)(2).

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
9 or entity who claims an interest in the aforementioned property must file a petition for a
10 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
11 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C §
12 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
13 right, title, or interest in the forfeited property and any additional facts supporting the
14 petitioner's petition and the relief sought.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
16 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
17 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
18 not sent, no later than sixty (60) days after the first day of the publication on the official
19 internet government forfeiture site, www.forfeiture.gov.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
21 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
22 Attorney's Office at the following address at the time of filing:

23 Daniel D. Hollingsworth
24 Assistant United States Attorney
25 James A. Blum
26 Assistant United States Attorney
27 501 Las Vegas Boulevard South, Suite 1100
28 Las Vegas, Nevada 89101.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
28 described herein need not be published in the event a Declaration of Forfeiture is issued by.

1 the appropriate agency following publication of notice of seizure and intent to
2 administratively forfeit the above-described property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
4 copies of this Order to all counsel of record and three certified copies to the United States
5 Attorney's Office, Attention Asset Forfeiture Unit.

6 DATED October 1, 2019.

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9 HONORABLE ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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